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POLICE OVERSIGHT



# **Preliminary Analysis – 2020 Summer Protests**

## **September 20, 2021**

### **Farah Muscadin, Director**



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# Background

On May 25, 2020, George Floyd was killed by officers from the Minneapolis Police Department. His death sparked an unprecedented nationwide response. In the days and weeks that followed, thousands of people gathered in cities across the United States to protest police brutality and racial injustice.

While George Floyd's death provided the catalyst for these widespread protests, his death was not the only one that communities came together to mourn. Cities all around the country were reckoning with police violence against people of color. The Austin protests began on May 29, 2020. By mid-day, thousands of protestors gathered in front of APD headquarters, located at the intersection of IH-35 frontage road and 7th Street. In Austin, community members were protesting and demanding justice for Michael Ramos, who was killed by an Austin Police Department (APD) officer on April 24, 2020.

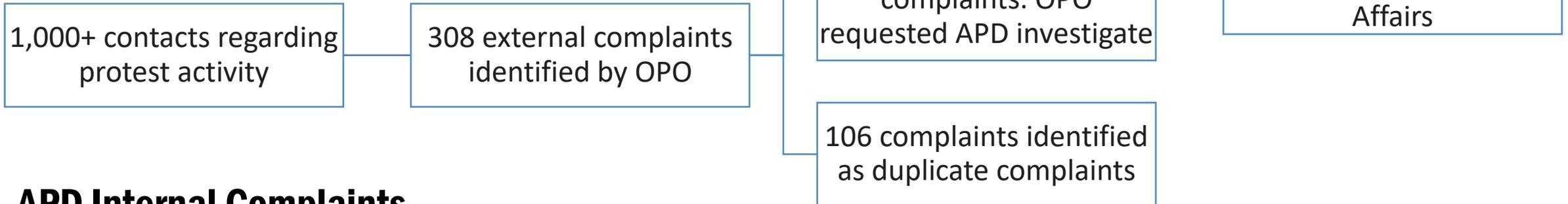


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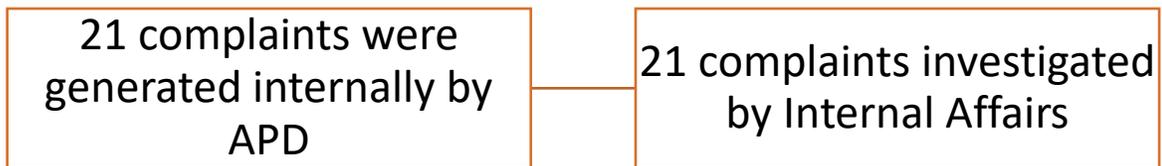
# PROTEST COMPLAINTS

# Complaint Breakdown as of November 30, 2020

## OPO External Complaints



## APD Internal Complaints



# Common Themes from Protest Complaints

- Use of force
  - Complaints objecting to use of oleoresin capsicum (OC) spray
  - Complaints objecting to use less lethal munitions
  - Complaints alleging that officers pushed unidentified protesters to the ground
- Neglect of duty
- High-profile cases
  - 4 separate incidents where an individual was identified
- Lack of de-escalation
- Equipment and tactics
- Interactions with media
  - Complaints alleging that APD officers pointed weapons at the press



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# OBJECTIONS

# OPO Objections

- **Internal Affairs**

- Investigation processes related to classifying protest complaints
  - Complaint category (Classification A, B, C, D)
- Failure to fully cooperate with and inform OPO
- Failure to provide OPO access to investigatory materials
- Bias in investigations/investigative summaries

- **Chains of Command**

- Dispositions and discipline

# Memo to APD – August 12, 2020

In the interest of procedural justice, the Office of Police Oversight sent a memo to APD on August 12th, 2020, formally objecting to investigatory practices and requesting intervention from the Chief of Police.

Specifically, the OPO objected to the final decision made on seven separate protest complaints.



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### MEMORANDUM

**TO:** Brian Manley, Chief of Police  
**FROM:** Farah C. Muscadin, Director - Office of Police Oversight  
**DATE:** August 12, 2020  
**SUBJECT:** Protest Complaints

The Office of Police Oversight (OPO) has grave concerns about how the Austin Police Department Internal Affairs Division (IA), specifically the protest investigation team, is processing complaints related to the protests that began in May of this year. The purpose of this memo is to bring your attention to these concerns and update you on the status of some of these complaints. I trust that after these issues are brought to your attention you will intervene.

The OPO strongly objects to the manner in which the IA protest team is currently handling complaints. It appears that the team of investigators assigned to handle the protest complaints are limiting their investigations to those officers and allegations that have been specifically identified rather than conducting a full and thorough investigation of each incident.

For example, if there is a complaint that a subject officer and a witness officer, while in a moving vehicle, sprayed protesters with a chemical agent while the protesters were standing behind a guardrail on IH-35, the OPO strongly believes that both the witness officer and the subject officer should be fully investigated. IA has disagreed with this position and has stated that it would be imprudent to investigate the witness officer because there is no policy that explicitly prohibits the deployment of chemical agents from a moving vehicle.

#### Summary of IA Determinations

As of August 11, 2020, the OPO has been notified of the following:

- **2 protest complaints closed with D memos.** These memos are written when APD believes that none of the allegations rise to the level of a policy violation and believes that the allegation is not true.
- **1 protest complaint closed via the Officer Final Classification Agreement (OFCA) option with informal discipline.** The stated purpose of the OFCA option is "to shorten the investigative and discipline process time for minor complaints."

# Concerns with the Internal Affairs Investigations

- Despite OPO’s repeated objections, Internal Affairs continued the practice of disqualifying complaints by administratively closing them or assigning them a D classification (no policy violation) without the level of thoroughness required by APD policies.
- OPO adamantly objected to such practices, especially in response to community members who came forward to raise concerns of potential police misconduct ***at protests about the very topic of police misconduct.***

APD	OPO Response
The complainant did not identify the subject officer;	It is not uncommon for a complainant not to have the officer's name, and that should not be a disqualifier, especially when complainants can provide the time, date, and location of an incident.
Complainant engaged in some 'riotous' act;	Alleged actions of protestors do not absolve APD from investigating potential misconduct on the part of officers.
The complaint had been reviewed by the APD Response to Resistance team;	This review does not replace a full investigation.
The complaint was one in which Internal Affairs had conducted in an "initial assessment";	This "initial assessment" does not replace a full investigation.



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# RECOMMENDATIONS

# Recommendations

- 1. Investigate all complaints, despite where they originate**
2. Require all sworn personnel working in any capacity, of any rank, to have body-worn camera powered on for the entirety of their shift
3. Create a tracking system for the deployment and distribution of all less-lethal munitions
4. Ensure that all uses of force are promptly reported to supervisors and captured in written reports, and the accompanying body-worn camera footage is uploaded and classified after each shift so that APD supervisors may review it immediately

# Recommendations

5. Develop and pressure-test a process for providing clear, traceable direction and supervision in crowd management scenarios
- 6. Ensure all officers' names and badge numbers are always visible, including while wearing tactical equipment**
- 7. Provide semi-annual comprehensive crowd control training to all personnel who may work events, rallies, demonstrations, etc. to ensure that all personnel are adequately prepared to respond**

# Recommendations

- 8. Implement crowd management policies and tactics based on research-based best practices that ensure the safety of all involved and focus on maintaining the value of human life and upholding individuals' constitutional rights**
  9. Utilize appropriate communication tools to broadcast messages to crowds; allow sufficient time for compliance before deploying less-lethal shotguns or oleoresin capsicum (OC) spray as tools for crowd control
  - 10. Report back to the community with an explanation of what it can expect from APD in any crowd management scenarios going forward**
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# QUESTIONS

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